



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/751,712	12/29/2000	James Calver	1875-09	8334

7590 10/04/2004

Daniel F. Perez  
BICKEL & BREWER  
4800 Bank One Center  
1717 Main Street  
Dallas, TX 75201

EXAMINER
----------

COLON, CATHERINE M

ART UNIT	PAPER NUMBER
----------	--------------

3623

DATE MAILED: 10/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/751,712	<b>Applicant(s)</b> CALVER ET AL.	
	<b>Examiner</b> C. Michelle Colon	<b>Art Unit</b> 3623	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

**A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 29 December 2000.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. The following is a Non-Final Office Action in response to the communication received on December 29, 2000. Claims 1-27 are now pending in this application.

#### ***Claim Objections***

2. Claims 7 and 8 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form.

It appears that claims 7 and 8 are merely reiterating the steps performed in claim 5, particularly since much of claims 7 and 8 are written in the preamble and given that the preamble is not afforded patentable weight, the body of claims 7 and 8 are substantially similar to claim 5.

3. Claims 4, 5, 7-9, 12, 15-17, 20, 23 and 24 are objected to because of the following informalities:

Examiner notes that several claims contain conditional if-statements. Applicant is reminded that the limitation within an if-statement is only performed when the condition is met. If the condition is not met, the limitation is not performed, in which case causing several of the pending claims to have significantly less steps than probably intended. For example, in claim 1, the last limitation does not get employed at

all (i.e., no periodical evaluation occurs) if it was *not* previously determined that a particular user-provided information did not contain beneficial lead attributes.

Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-27 are rejected under 35 U.S.C. 102(e) as being anticipated by Johnson et al. (U.S. 6,067,525).

As per claim 1, Johnson et al. discloses a method in a remote computer network for interactively generating leads via a Web-based portal, wherein said remote computer network has at least one client connectable to one or more servers, said method comprising the steps of:

determining if particular user-provided information contains beneficial lead attributes based on a set of predetermined lead criteria (col. 4, lines 21-63; col. 11, lines 3-15; col. 35, lines 25-34; Figure 21A; The system discloses a lead generation component to help sales personnel identify potential leads that can be converted to purchasing customers.);

recording said lead attributes in a database, in response to determining if said particular user-provided information contains beneficial lead attributes based on said set of predetermined lead criteria (col. 4, lines 21-43; col. 5, lines 24-30; col. 19, lines 26-34; The system stores lead data in a database.); and

periodically reevaluating said lead attributes to determine if said lead attributes can evolve into beneficial leads based on a set of updated lead criteria, if it was previously determined that said particular user-provided information did not contain beneficial lead attributes (col. 5, lines 43-50; col. 32, line 57-col. 33, lines 4; col. 35, lines 1-24; The system periodically tracks user profile information to determine whether certain promotions or deal would be appealing to particular customers.).

As per claim 2, Johnson et al. discloses the method of claim 1 further comprising the steps of: generating a lead in response to identifying a beneficial lead attribute (col. 4, lines 21-63; col. 11, lines 3-15; col. 35, lines 25-34; Figure 21A; The system discloses a lead generation component to help sales personnel identify potential leads that can be converted to purchasing customers.).

As per claim 3, Johnson et al. discloses the method of claim 2 further comprising the step of: requesting said particular user-provided information from said user via an online template (col. 11, lines 48-57; The system discloses a web site module component to receive user information.).

As per claim 4, Johnson et al. discloses the method of claim 1 wherein the step of recording said lead attributes in a database, in response to determining if said

particular user-provided information contains beneficial lead attributes based on said set of predetermined lead criteria, further comprises the step of:

flagging said lead attributes as nonbeneficial lead attributes if it is determined that said particular user-provided information does not contain immediately beneficial lead attributes, and recording said nonbeneficial lead attributes in said database, in response to determining that said particular user-provided information does not contain immediately beneficial lead attributes based on said set of predetermined lead criteria (col. 21, lines 14-29; col. 35, lines 25-49; Figure 23; Sales personnel use a checklist feature to generate a customer profile that identifies a customer's lead attributes.).

As per claim 5, Johnson et al. discloses the method of claim 4 further comprising the steps of:

establishing a verification database containing user verification data, analyzing said user-provided information in association with verification data contained in said verification database to determine if said user-provided information is composed of valid information, and thereafter determining if said particular user-provided information contains beneficial lead attributes based on a set of predetermined lead criteria, if it is determined that said user-provided information is composed of valid information, based on said verification data contained in said verification database (col. 18, lines 3-36; The system uses customer and product information databases to perform error checking to verify that the proper information is used.).

As per claim 6, Johnson et al. discloses the method of claim 3 wherein the step of requesting said particular user-provided information from said user via an online

template, further comprises the step of requesting said particular user-provided information from said user via an online template comprising an online application displayed within at least one page within said Web-based portal (col. 11, lines 48-57; The system discloses a web site module component to receive user information.).

As per claim 7, Johnson et al. discloses the method of claim 5 wherein the step of thereafter determining if said particular user-provided information contains beneficial lead attributes based on a set of predetermined lead criteria, if it is determined that said user-provided information is composed of valid information, based on said verification data contained in said verification database, further comprises the step of:

thereafter automatically determining if said particular user-provided information contains beneficial lead attributes based on a set of predetermined lead criteria, if it is determined that said user-provided information is composed of valid information, based on said verification data contained in said verification database (col. 4, lines 21-63; col. 11, lines 3-15; col. 18, lines 3-36; col. 35, lines 25-34; Figure 21A; The system uses customer and product information databases to perform error checking to verify that the proper information is used. The system discloses a lead generation component to help sales personnel identify potential leads that can be converted to purchasing customers.).

As per claim 8, Johnson et al. discloses the method of claim 5 wherein the step of thereafter determining if said particular user-provided information contains beneficial lead attributes based on a set of predetermined lead criteria, if it is determined that said

user-provided information is composed of valid information, based on said verification data contained in said verification database, further comprises the step of:

thereafter manually determining if said particular user-provided information contains beneficial lead attributes based on a set of predetermined lead criteria, if it is determined that said user-provided information is composed of valid information, based on said verification data contained in said verification database (col. 4, lines 21-63; col. 11, lines 3-15; col. 18, lines 3-36; col. 35, lines 25-34; Figure 21A; The system uses customer and product information databases to perform error checking to verify that the proper information is used. The system discloses a lead generation component to help sales personnel identify potential leads that can be converted to purchasing customers.).

As per claim 9, Johnson et al. discloses a system in a remote computer network for interactively generating leads via a Web-based portal, wherein said remote computer network has at least one client connectable to one or more servers, said system comprising:

determining module for determining if particular user-provided information contains beneficial lead attributes based on a set of predetermined lead criteria (col. 4, lines 21-63; col. 11, lines 3-15; col. 35, lines 25-34; Figure 2; Figure 21A; The system discloses a lead generation component to help sales personnel identify potential leads that can be converted to purchasing customers.);

recording module for recording said lead attributes in a database, in response to determining if said particular user-provided information contains beneficial lead



Art Unit: 3623

attributes based on said set of predetermined lead criteria (col. 4, lines 21-43; col. 5, lines 24-30; col. 19, lines 26-34; Figure 2; The system stores lead data in a database.); and

evaluation module for periodically reevaluating said lead attributes to determine if said lead attributes can evolve into beneficial leads based on a set of updated lead criteria, if it was previously determined that said particular user-provided information did not contain beneficial lead attributes (col. 5, lines 43-50; col. 32, line 57-col. 33, lines 4; col. 35, lines 1-24; Figure 2; The system periodically tracks user profile information to determine whether certain promotions or deal would be appealing to particular customers.).

As per claim 10, Johnson et al. discloses the system of claim 9 further comprising:

generating module for generating a lead in response to identifying a beneficial lead attribute (col. 4, lines 21-63; col. 11, lines 3-15; col. 35, lines 25-34; Figure 21A; The system discloses a lead generation component to help sales personnel identify potential leads that can be converted to purchasing customers.).

As per claim 11, Johnson et al. discloses the system of claim 10 further comprising:

requesting module for requesting said particular user-provided information from said user via an online template (col. 11, lines 48-57; The system discloses a web site module component to receive user information.).

As per claim 12, Johnson et al. discloses the system of claim 9 wherein said recording module further comprises:

flagging module for flagging said lead attributes as nonbeneficial lead attributes if it is determined that said particular user-provided information does not contain immediately beneficial lead attributes and subrecording module for recording said nonbeneficial lead attributes in said database, in response to determining that said particular user-provided information does not contain immediately beneficial lead attributes based on said set of predetermined lead criteria (col. 21, lines 14-29; col. 35, lines 25-49; Figure 23; Sales personnel use a checklist feature to generate a customer profile that identifies a customer's lead attributes.).

As per claim 13, Johnson et al. discloses the system of claim 12 further comprising:

establishment module for establishing a verification database containing user verification data and analyzing module for analyzing said user-provided information in association with verification data contained in said verification database to determine if said user-provided information is composed of valid information (col. 18, lines 3-36; The system uses customer and product information databases to perform error checking to verify that the proper information is used.).

As per claim 14, Johnson et al. discloses the system of claim 11 wherein said online template comprises an online application displayed within at least one page of said Web-based portal (col. 11, lines 48-57; The system discloses a web site module component to receive user information.).

As per claim 15, Johnson et al. discloses the system of claim 9 wherein said determining module further comprises:

determining module for automatically determining if said particular user-provided information contains beneficial lead attributes based on a set of predetermined lead criteria, if it is determined that said user-provided information is composed of valid information, based on said verification data contained in said verification database (col. 4, lines 21-63; col. 11, lines 3-15; col. 18, lines 3-36; col. 35, lines 25-34; Figure 21A; The system uses customer and product information databases to perform error checking to verify that the proper information is used. The system discloses a lead generation component to help sales personnel identify potential leads that can be converted to purchasing customers.).

As per claim 16, Johnson et al. discloses the system of claim 9 wherein said determining module further comprises:

determining module for manually determining if said particular user-provided information contains beneficial lead attributes based on a set of predetermined lead criteria, if it is determined that said user-provided information is composed of valid information, based on said verification data contained in said verification database (col. 4, lines 21-63; col. 11, lines 3-15; col. 18, lines 3-36; col. 35, lines 25-34; Figure 21A; The system uses customer and product information databases to perform error checking to verify that the proper information is used. The system discloses a lead generation component to help sales personnel identify potential leads that can be converted to purchasing customers.).

Claims 17-24 are substantially similar to claims 1-16. Therefore, claims 17-24 are rejected on the same basis as claims 1-16.

As per claims 25-27, Johnson et al. discloses the program product of claims 17 and 25 wherein each of said instruction module further comprises signal bearing media, transmission media or recordable media (col. 7, lines 29-42; col. 8, lines 22-33; col. 13, lines 36-51; Figures 1-8, 10B and 11).

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Verba et al. (U.S. 6,236,977) discusses a computer implemented marketing system;
- Thornton (U.S. 5,883,940) discusses an interactive method and apparatus for the generation of leads; and
- Bull et al. (U.S. 6,208,975) discusses an information aggregation system for lead generation.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to C. Michelle Colon whose telephone number is 703-605-4251. The examiner can normally be reached Monday – Friday from 8:30am to 5:30pm.

Art Unit: 3623

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz, can be reached at 703-305-9643.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

Any response to this action should be mailed to:

***Commissioner of Patents and Trademarks***

***Washington D.C. 20231***

or faxed to:

703-872-9306 [Official Communications; including After Final  
communications labeled "Box AF"]

703-746-7202 [For status inquiries, draft communication, labeled  
"Proposed" or "Draft"]

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, Arlington, VA 7<sup>th</sup> floor receptionist.



September 21, 2004



TARIQ R. HAFIZ  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600